

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYRA S. SMITH,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

No. 1:23-cv-08229 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

The Court has received *pro se* Plaintiff's request for an extension of time to file her opposition to Defendant's motion to dismiss. ECF No. 22. Defendant originally filed its motion to dismiss on January 8, 2024, ECF No. 11. Plaintiff's original deadline to oppose the motion was January 22, 2024, which the Court extended to February 16, 2024, further extended to March 29, 2024, and then further extended to April 15, 2024. ECF Nos. 16, 18, 20.


Plaintiff states that she "currently has a return date of May 29, 2024 for settling other issues in an underlying matter against Defendant" and that therefore she "cannot determine whether any of the issues raised in this matter still require the complaint before this Court to be amended." ECF No. 22 at 1. Plaintiff further states that she "has no way of guessing what the Defendant will do next to further thwart her attempt to achieve justice" and that therefore she requests "a further extension of time up to and including Thursday, August 1, 2024, in order to accommodate extreme delays due to the digital failure Plaintiff is also concurrently battling." ECF No. 22.

The Court previously explained that it is "cognizant of Plaintiff's statements that her landline service has been interrupted since October 27, 2023, ECF No. 19 at 1, and that she lost her cellphone on December 22, 2023, *id.* at 2. However, Plaintiff is still responsible for

meeting filing deadlines in this case, and Plaintiff's ability to file her opposition does not depend on access to landline service or her cell phone." ECF No. 20. A delay of more than seven months to file her opposition to Defendant's motion to dismiss is not warranted. Out of an abundance of leniency for the *pro se* Plaintiff, the Court grants a generous extension up to June 14, 2024 for Plaintiff to file her opposition to Defendant's motion to dismiss. This will provide Plaintiff with more than two weeks after her "return date of May 29, 2024 for settling other issues in an underlying matter against Defendant" to finalize and submit her opposition. Should Plaintiff fail to meet this filing deadline and also fail to request a further extension of the deadline, the motion will be deemed unopposed, which may result in dismissal of this action. *See* ECF No. 18 (same warning); ECF No. 20 (same warning). Should Plaintiff wish to request another extension of this deadline, she must provide good cause for the request. The Court notes again that as it has explained, "Plaintiff's ability to file her opposition does not depend on access to landline service or her cell phone," ECF No. 20, and therefore, her landline service and cell phone issues are unlikely to constitute good cause. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff at her address of record.

Dated: April 18, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge